

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM GUY, No. CIV S-03-1208-JAM-CMK-P

Plaintiff,

VS.

## ORDER

D. KIMBRELL, et al.,

## Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is a motion for reconsideration (Doc. 29) of the magistrate judge's May 10, 2007 order.<sup>1</sup>

Pursuant to Eastern District of California Local Rule 72-303(f), a magistrate judge's order shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law. The May 19, 2007 order is, therefore, affirmed.

<sup>1</sup> Plaintiff termed his document “Objection to Magistrates Order.” (Doc. 29). The order denying plaintiff’s request for counsel was not executed as findings and recommendations which allow for objections to be filed and reviewed by the district judge. Therefore, this court will construe plaintiff’s objections as a motion for reconsideration.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The motion for reconsideration is denied (Doc. 29); and  
3 2. The magistrate judge's May 10, 2007 order (Doc. 25) is affirmed.

4 IT IS SO ORDERED.

5 DATED: August 7, 2008

6  
7 /s/ John A. Mendez  
8 UNITED STATES DISTRICT JUDGE

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